

REMARKS

The undersigned wishes to acknowledge the courteous treatment received during an interview held with the Examiner on Jan. 15, 2003.

The disclosure was objected to for a number of typographical errors. These have been corrected.

Claims 4, 16 and 19 were objected to for a number of informalities. The informalities have been corrected in claims 4 and 16, and claim 19 has been canceled.

Claims 1-23 were rejected as being indefinite. The Examiner identified a number of informalities in the claims all of which (except one, to be explained) have been corrected. It is believed that "spherical unit" is adequate antecedent basis for "said unit" when there is no other unit being recited. Reconsideration is requested.

Claims 1-5, 15 and 19-23 were rejected as being anticipated by Randall.

Claims 6-14 were rejected as being unpatentable over Randall in view of Official Notice.

Claims 16-18 were rejected as being unpatentable over Randall in view of Gibbs et al.

Randall discloses a ball similar to the one employed in the present invention. The ball is described as a projectile which can be used in games similar to baseball, and the thrower releases the ball to produce "variations from normal flight to baffle the batter" (col. 1, lines 60-61). Randall does not go beyond this statement in describing how the ball can be used in playing the game of baseball although he does mention the use of a narrower bat and discusses how the ball may be held. He does not discuss all the ways the

ball can be thrown. In the present invention, the ball is being used in a specific manner as described in the specification and set forth in the claims, as will be discussed below.

For Official Notice, the Examiner is noting that it is known to pitch the ball in a variety of pitches. The difference here is that the batter learns to associate different types of pitches with different types of pitching arm motions due to the fact that the modified ball allows persons with lesser skills to throw the various standard pitches (see page 37 of the specification). This is not taught or suggested in the use of Official Notice, no matter how the Notice is combined with any of the references of record.

Gibbs has an instructional chart for golf and is cited for the idea of using an instructional chart to pitch in the game of baseball.

In view of the excellent art cited by the Examiner, independent claim 1 has been amended to include in the method the step of the batter swinging at the ball in order to relate the method more specifically to baseball and also to recite that the pitcher of lesser skill is selected from a larger number of practice pitchers which are available as pointed out in pages 36-37 of the specification. Also, claim 1 is explicitly limited to baseball batting practice for improving the batting skills of a player, using a bat smaller in diameter than a regulation baseball bat (see the bottom of page 21 in the specification). The use of such a ball and bat in a method of engaging in batting practice is not taught or suggested in any of the art of record.

Claims 2-18 depend from claim 1 adding features of the present invention (except for claims 3-5, which have been canceled). It should be noted that claims 6-16 add details of the type of pitches. This is significant because it relates to the discussion above in

which the whole point is that a less skilled pitcher can produce the different kinds of the standard pitches and the batter can relate the standard pitches with the way the pitching arm is being swung.

Claims 19, 20, 22 and 23 have also been canceled.

Claim 21 is drawn to the method of playing a game of baseball using a modified ball and bat, reciting both the modified baseball and bat. Independent claim 21 has been amended to include details of the bat and to clarify the language. It is believed that the steps of the method of playing baseball as called for in this claim clearly distinguish over Randall and any of the other references of record, singly or in any combination, since none of the references provide any detail of playing the game of baseball with a modified ball such as the ball of Randall.

In view of the foregoing, it is contended that the claims remaining are drawn to patentable subject matter and should be allowed.

A favorable action is solicited.

Respectfully submitted,



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In the Specification

Marked up version showing changes:

Replace the paragraph in page 12, line 4 to page 13, line 4 with the following:

--An apparatus for playing and a method of playing the ball type game called "Buntball" is disclosed. The game is characterized as being suitable for play by persons of differing skill, gender, or age and of being safe to play indoors or outdoors. The apparatus comprises a rectangular playing field without walls or ceiling, a homeplate in front of the playing field, a bat, and ball. The playing field includes four subareas, and is preferably sixteen feet wide and twenty-four feet deep. Homeplate is preferably twelve feet away from the playing field. The bat and ball are preferably hollow and the ball is preferably perforated with small openings. The players are equally partitioned into two teams, each having at least one player. One team is positioned on the playing field with the goal of catching balls bunted thereto by a batter on the other team. The members of the team not on the playing field, attempt, one at a time, to bunt balls pitched by a member of the team on to the playing field without having it caught. If a ball is [bunter] bunted onto the playing field without being caught, the subarea where the ball lands

determines the number of imaginary bases that are advanced by an imaginary runner. Rules for playing Buntball are disclosed.--.

Replace the paragraph beginning in page 37, last line to page 38, line 2 with the following:

--Batting practice is also enhanced by the provision of the modified bat 12. Due to its smaller diameter the modified bat 12 makes the batter [to] use a more accurate swing in order to make contact.--.

In the Claims

Marked up version showing changes:

1. (amended) A baseball batting practice method for improving the batting skills of a player, comprising:

selecting a spherical [unit] ball from which a segment has been removed to leave [a unit] the ball comprised of an exterior spherical portion and a flat area, the removed segment being sized such that a perpendicular line from [the] a center of the flat area to [the] an opposite side of the remaining spherical portion is equal to or between forty-five and fifty-five percent of the original spherical [unit] ball diameter;

selecting a pitcher of lesser skill from a larger number of practice pitchers which are available;

said pitcher gripping the [unit] ball in a manner to enable one of several standard pitches;

the pitcher initiating [the] a throwing motion;

the pitcher moving [the] an arm in a manner to enable [the] a chosen standard pitch; [and]

the pitcher releasing the [unit] ball at a time and in a manner to enable the chosen pitch and to direct the [unit] ball to a target area in proximity to a human batter, to enable the human batter to attempt to identify standard pitches; and

[and hit the unit] said batter swinging at said ball with a bat having a substantially constant diameter smaller than a regulation baseball bat, [and thereby] to improve the

human batter's batting skills.

2. (amended) The method of claim 1, wherein the removed segment is one-half of the original spherical [unit] ball.

Cancel claims 3-5.

7. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the fastball, the [unit] ball is gripped vertically and released straight overhand.

8. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the knuckleball, the [unit] ball is gripped by placing the flat area of the unit in [the] a palm of [the] a throwing hand and thrown and released straight overhand.

9. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the screwball, the [unit] ball is gripped vertically, thrown underhand, and released while twisting [the] a throwing hand to the right [(for right hand throwers)] or to the left [(for left hand throwers)].

10. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the slider, the [unit] ball is gripped vertically and thrown and released at [the] a three-quarter side arm position.

11. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the curveball, the [unit] ball is gripped vertically and thrown and released at [the] a one-half side arm position.

12. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the sinkerball, the [unit] ball is gripped with the flat area up and thrown and released at [the] a one-half side arm position.

13. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the splitfinger fastball, the [unit] ball is gripped the flat area up and thrown and released at [the] a three-quarter side arm position.

14. (amended) The method of claim [1] 6, wherein the chosen standard pitch is the rising fastball, the [unit] ball is gripped with the flat area down, thrown one-half side arm, and released while slightly tilting the [unit] ball forward.

15. (amended) The method of claim 1, wherein the [unit] ball is constructed from rubber.

16. (amended) The method of claim 1, further comprising providing an instructional table describing [the] grips, arm movements and release methods for the various standard pitches, for pitcher enablement, and for the batter to learn to identify the standard pitches associated with arm movements, to enable the batter to improve batting ability by recognizing the arm movement while batting and anticipating the standard pitch associated with the identified arm movement.

Cancel claims 19 and 20.

21. (amended) A method for playing a game of baseball using a modified baseball and bat comprising:

substituting, for the [ball] baseball, a modified [ball] baseball, the modified [ball] baseball comprising a spherical unit from which a segment has been removed to leave a [unit] modified baseball comprised of an exterior spherical portion and a flat area, the removed segment being sized such that a perpendicular line from [the] a center of the flat area to [the] an opposite side of the remaining spherical portion is equal to or between

forty-five and fifty-five percent of the original spherical unit diameter; [and]

substituting for the bat a bat having a substantially constant diameter smaller than
a regulation baseball bat; and

playing the game using the modified [ball] baseball and bat.

Cancel claims 22 and 23.